

**STATE OF MONTANA
BOARD OF PARDONS AND PAROLE**

**BIENNIAL REPORT
January 2007**

Prepared by:

Craig Thomas,
Executive Director

Jeff A. Walter,
Senior Administrative Officer

Cathy Johnson,
Administrative Assistant

TABLE OF CONTENTS

PREFACE

List of Tables and Figures.....	ii
Board of Pardons and Parole Goals, Objectives, and Duties	iii
Board of Pardons and Parole Employees and Duties.....	iv

SECTION 1

Fundamentals	1 - 2
Paramount Objectives of the Board	3 - 4

SECTION 2

History of the Board of Pardons and Parole	5
Current Parole Board Members	6
Legal Authority of the Board of Pardons and Parole.....	6 - 8

SECTION 3

Parole Process	9 - 13
Parole Revocation	13
Executive Clemency	14 - 15
Victim Services	15 - 17
American Correctional Association (ACA) Accreditation	18
Offender Information Database.....	18
Risk Assessment Overview.....	19

APPENDIX

Notice	
Victim Notification Letter	
Parole Hearing Statement	
Victim Satisfaction Survey	
ACA Accreditation Certificate	
Risk Assessment Scale	

TABLES

FIGURES

TABLES AND FIGURES

Tables

Table 1	History of Executive Clemency
Table 2 – Part 1	Current Parole Board Statistics – Fiscal Year 2006
Part 2	Current Parole Board Statistics – Calendar Year 2006
Table 3 – Part 1	Dispositions by Ethnicity – Appearance/Reappearance
Part 2	Dispositions by Ethnicity – Annual Review

Figures

Figure 1	The Board investigated 2,367 cases and interviewed 1,123 offenders for parole in 2006
Figure 2	Approximately 78% of the correctional population is eligible for parole
Figure 3	Inmates serve 27 months to parole eligibility and 41 months to parole release decision
Figure 4	5,227 inmates have been released on parole over the last 10 years and 635 offenders were released in CY 2006
Figure 5	The majority of parole releases are from pre-release centers and Montana State Prison
Figure 6	60% of offenders released in FY2006 were released to parole or had a prior parole
Figure 7	The majority of parole-grant decisions occur at initial appearance
Figure 8	90% of parole violators are returned to custody for technical violations
Figure 9	63% of paroles granted were to nonviolent offenders

BOARD OF PARDONS AND PAROLE GOALS, OBJECTIVES, AND DUTIES

MISSION STATEMENT

The Board of Pardons and Parole, as part of the criminal justice process, serves all Montana citizens by administering a flexible system of punishment and rehabilitation, which fully protects society. All employees and members of the Board of Pardons and Parole are committed to securing the effective application of and improvements to the clemency and release system as well as of the laws upon which they are based. The parole process is administered in an effective, humane, safe, and just fashion.

STATUTORY AUTHORITY

- 2-15-121, MCA: Defines the administrative attachment of the Board of Pardons and Parole.
- 2-15-124, MCA: Define the requirements of quasi-judicial boards.
- 2-15-Part 23, MCA: Establishes the Board of Pardons and Parole and defines the composition, allocation, and quasi-judicial status of the Board.
- 46-18-Part 1, MCA: Establishes state correctional policy and preliminary procedures.
- 46-23-Part 1, MCA: Establishes and defines the general provisions of the Board of Pardons and Parole.
- 46-23-Part 2, MCA: Establishes the general provisions for granting parole and defines the authority and responsibilities of the Board of Pardons and Parole.
- 46-23-Part 3, MCA: Establishes and defines the conditions, authorities, and responsibilities for clemency.
- 46-23-Part 10, MCA: Establishes and defines the conditions, authority, and responsibilities for supervision and revocation.
- 8 FTE Executive Director
Administrative Officers (4)
Administrative Support (3)
Citizen Board Members (7)
- BOPP FY2007 Personal Services - \$438,543.00
Operating Expenses - \$89,442.00

2007 BIENNIUM BUDGET REQUESTS

Present Law Adjustments

PL - 101	FY 2008	Board Member Per Diem - \$40,425.00
	FY 2009	Board Member Per Diem - \$40,425.00
		(\$75 per day at 77 days per year, 7 Board members)
PL - 105	FY 2008	ACA Re-Accreditation - \$3000.00
	FY 2009	ACA Re-Accreditation - \$3000.00

New Proposals

NP - 130	FY 2008	Administrative Officer - \$55,013.00
	FY 2009	Administrative Officer - \$55,049.00
NP - 106	FY 2008	Computer Software - \$12,927.00
	FY 2009	Computer Software - \$12,927.00
NP - 107	FY 2008	Attorney Contract - \$7,500.00
	FY 2009	Attorney Contract - \$7,500.00

BOARD OF PARDONS AND PAROLE - 8.0 FTE

EXECUTIVE DIRECTOR (Craig Thomas)

- Directs the daily operation of the Board of Pardons and Parole
- Represents the Board in matters of policy, interdepartmental cooperation, and communications with political and judicial bodies
- Oversees all matters of personnel, budget, and distribution of work
- Acts as a hearing officer
- Prepares reports and makes release recommendations (parole revocation, rescission, Executive Clemency)

SENIOR ADMINISTRATIVE OFFICER (Jeff A. Walter)

- Assumes duties of Executive Director in his absence
- Interviews inmates for parole consideration, gathers and analyzes information, and makes specific recommendations to the Board on inmate release risk
- Responsible for BOPP Information System
- Victim Services Coordinator
- Acts as a hearing officer
- Prepares parole reports and makes release recommendations (MWP, pre-release, Great Falls regional jail)

ADMINISTRATIVE OFFICER (Fern Osler – Billings Office)

- A member of pre-release and initial classification committees
- Acts as a hearing officer
- Prepares parole reports and makes release recommendations

ADMINISTRATIVE OFFICER (Julie Thomas)

- A member of pre-release and initial classification committees
- Acts as a hearing officer
- Prepares parole reports and makes release recommendations

ADMINISTRATIVE OFFICER (Hank Pfeifer)

- Responsible for the pre-parole program
- A member of pre-release and initial classification committees
- Acts as a hearing officer
- Prepares parole reports and makes release recommendations (MSP)

ADMINISTRATIVE ASSISTANT (Cathy Leaver)

- Organizes the Parole Board hearing data
- Records Parole Board dispositions
- Processes reports regarding parole, executive clemency, and supervised release

ADMINISTRATIVE ASSISTANT (Cathy Johnson)

- Prepares placement investigations and release documents
- Prepares correspondence and reports
- Maintains Board confidential files and records dispositions
- Victim Services Specialist

ADMINISTRATIVE SUPPORT (Lisa Wirth)

- Answers telephone
- Distributes and processes all mail
- Files all pertinent material in inmate files

FUNDAMENTALS

The Montana State Board of Pardons and Parole is composed of three members and four auxiliary members. Each member is appointed by the Governor for staggered four year terms subject to confirmation by the State Senate. The Governor appoints the Chair in accordance with State law. The Vice-Chair and Secretary are elected in an executive session by the members.

The Board was created by legislative action in 1955. There has been some form of parole within Montana since 1889. In 1979, 1995, and 2003, the addition of auxiliary members was provided by the legislature.

The Board is part of the Executive Branch of State government and is attached to the Department of Corrections for administrative purposes only. The Board performs quasi-judicial and policy-making functions independently of that Department.

DEFINITIONS:

"Board" means the Board of Pardons and Parole as authorized in 2-15-2302 and 46-23-104, MCA.

"Capital Offense" means an offense for which the District Court imposed the death penalty.

"Conditional Release" is a process by which eligible inmates sentenced to the Department of Corrections may be released from a correctional facility to serve their sentences in the community.

"Controlling Sentence" means the sentence(s) that, based on a District Court Judgment, requires the longest period of time served to parole eligibility.

"Dead Time" means the period of time from the date a parole violation warrant is issued to the date a violator is arrested on the warrant and the determination whether this time should be counted as time under the term. This also includes time served in another state for a crime committed on parole.

"Department" means the Department of Corrections as authorized in 2-15-230, MCA.

"Designed Capacity" means the maximum average daily inmate population of a correctional institution as established by legislative appropriation.

"Discharge" means the release from custody upon completion of a term. *Flat discharge* means release without a period of supervision to follow. *Discharge balance suspended* means release with a period of probation to follow.

"Good Time Allowance" means days awarded by the Department of Corrections which operate as a credit on the inmate's sentence. (Repealed, effective January 1997)

"Hearing" means the personal appearance of an inmate before the Board for release consideration, Executive Clemency, or revocation.

"Inmate/Prisoner/Offender" means any person sentenced by a State District Court to a term of confinement in a State correctional institution or program.

"Maximum Time" means those sentences or terms that invoke the 17½-year parole eligibility rules (eliminated by the 1995 Legislature).

"Parole" means the release of an inmate into the community prior to the completion of a sentence subject to the orders of the Board and the supervision of the Department.

"Parole Certificate" means the document signed by the Board Chairman and Executive Director authorizing the release from confinement to parole.

"Parole Eligibility" means the earliest possible date a person may be released from confinement to parole supervision.

"Rescission" means an action of the Board that annuls or voids a prior release disposition.

"Review" means the annual/biennial informal administrative process of considering the conduct and progress of an inmate/prisoner to determine if reappearance or parole is desirable.

"Rules" means the conditions, limitations, and restrictions upon which parole is subject.

"Sentence" means the penalty imposed by a particular District Court for a specific felony offense.

"Sentence Commencement" means to begin service of a consecutive sentence which was imposed after reception and for crimes committed in prison or while on parole, furlough, or supervised release without the granting of parole.

"Term" means the total period of time for which an inmate was ordered to serve in a State correctional institution or program.

"Victim" means a person who suffers loss of property, bodily injury, or death as a result of: the commission of an offense; the good faith effort to prevent the commission of an offense; the good faith effort to apprehend a person reasonably suspected of committing an offense; the estate of the deceased or incapacitated victim or a member of the immediate family of a homicide victim; a governmental entity that suffers loss of property as a result of the commission of an offense in this state; or an insurer or surety with a right of subrogation to the extent it has reimbursed the victim of the offense for pecuniary loss. A victim does not include a person who is accountable for the crime arising from the same transaction.

PARAMOUNT OBJECTIVES OF THE BOARD

1. The primary objective of the Board is to carefully review each eligible prisoner nearing the end of a period of incarceration set by the court. Parole may be granted when, in the Board's opinion, there is a reasonable probability that the prisoner can be released without detriment to the inmate or community.
2. To make every feasible effort to bring about the rehabilitation of those inmates incarcerated or released and demand all prisoners demonstrate they are no longer a danger to society before seriously considering release.
3. To allow victims to present a statement concerning the effects of the crime on the victim or family including, but not limited to, their opinion on release of an offender.
4. To set specific conditions which must be met prior to release.
5. To set specific and individual conditions for prisoners once on parole which must be agreed to prior to release.
6. To monitor offenders carefully through a network of professional parole officers and return promptly to custody releasees who are unable or unwilling to adjust to parole supervision, violate conditions of their release, and are endangering public safety.
7. To protect society by not releasing inmates and extending the time in prison for more violent and dangerous offenders.
8. To recommend to the governor pardons and commutation of sentences for those offenders meeting specific criteria.
9. To carefully review, approve or deny, and set the conditions of conditional discharges from supervision.

PAROLE: A FLEXIBLE SYSTEM OF REHABILITATION AND PUNISHMENT

Parole pertains to **how** punishment is administered, not **how much** punishment is administered. A parole system mandates **earned** release; a system without parole means **automatic** release. The length of time in prison an offender must spend before being reviewed by the Board can be short or long. The courts and legislature set the minimum and maximum amount of prison time to be served. The current sentencing structure is a flexible system for punishing offenders and protecting the public. There are typically three phases if an offender is sentenced to Montana State Prison:

1. The first phase requires an offender to serve 25% of the sentence entirely in custody. By setting a sentence considering parole eligibility established by law, the Judge can virtually always assure a period of incarceration that he or she feels is appropriate for the punishment of the offender and the safety of the community.
2. Only upon completion of phase I can an offender become eligible for parole. The second

portion of the sentence can be served either in custody or in the community, depending upon the severity of the crime and risk presented by the offender. It is here that the Board can significantly lengthen the time served for dangerous offenders. The Board has the advantage of receiving any new information, which may have come to light about the offender, studying the prisoner's behavior in prison, and hearing personally from victims and criminal justice authorities as they review the case. Members also have the advantage of months and years of gathering information that truly assesses an offender's record and character.

3. A third phase of punishment may be served in the community under supervision and the requirements set by the Board. If an offender violates the conditions, the Board can quickly return the offender to custody to serve the remainder of the term.

Courts have consistently ruled that parole in Montana is a privilege and not a right. The Board of Pardons and Parole is required to give offenders meaningful access to the members and when parole is denied, the Board must issue a written decision informing the offender in what respects he or she falls short of qualifying for parole. The release decision is necessarily objective and predictive and Montana law gives the Board very broad discretion.

HISTORY OF THE BOARD OF PARDONS AND PAROLE

Creation of the Board of Pardons (1889). The origins of the Board of Pardons and Parole can be traced to the 1889 Montana Constitution. Article VII, Section 9, of the constitution authorized the Governor to grant pardons, remit fines and forfeitures, and commute punishments subject to the approval of a Board of Pardons. The constitution directed the Legislature to provide for the appointment, composition, powers, and duties of the Board.

Parole by the Board of Prison Commissioners (1907). Sixteen years later, the Legislature provided for the parole of prisoners (Ch. 95, L. 1907). The 1907 legislation authorized the State Board of Prison Commissioners, consisting of the Governor, Secretary of State, and Attorney General, to parole an inmate of the Montana State Prison (MSP).

Parole and Executive Clemency Functions Merged (1955). For the next 48 years, a dual board system existed. The Board of Pardons reviewed Executive Clemency matters, while the State Board of Prison Commissioners handled paroles. In 1955, however, the functions of the two boards were combined and assigned to a reconstituted Board of Pardons (Ch. 153, L. 1955). The Board consisted of three members appointed by the Governor with the advice and consent of the Senate. Members served staggered six-year terms.

Board Transferred to Department of Institutions (1971). Under the 1971 Executive Reorganization Act, the Board of Pardons was transferred to the Department of Institutions (now called the Department of Corrections) for administrative purposes only. In addition, the position of State Director of Probation and Parole was renamed the Administrator of Probation and Parole (Ch. 272, L. 1971).

Change in Montana Code Annotated (1995).

- (A). The 1995 Legislature eliminated good time for the purposes of parole eligibility effective April 13, 1995, and entirely effective January 31, 1997. **Unless the court otherwise orders, all inmates will serve 25% of their sentence prior to becoming parole eligible and will serve 100% of their sentence to discharge.** The Legislature also eliminated the provision that requires parole appearance on a time sentence after 17½ years and required 30 years to be served on a life sentence. Offenders previously served approximately 15 to 18 years on a life term. Additionally, the 1995 Legislature eliminated the 120-day, early consideration and non-dangerous/dangerous designation. This applies to crimes committed **on or after April 13, 1995..**
- (B). The Board of Pardons was renamed the Board of Pardons **and Parole** because the majority of the Board's functions directly pertain to parole issues. (See Figure 1).

Changes in Montana Code Annotated (2003). The 2003 Legislature authorized the appointment of two-member hearing panels which have the full authority and power of the Board to order the denial, grant, or revocation of parole. Additionally, two auxiliary members were added and all members are now required to receive training in American Indian culture and problems.

CURRENT PAROLE BOARD MEMBERS

<u>Name</u>	<u>Occupation</u>	<u>Appointed</u>	<u>Expires</u>
Vance Curtiss	Retired	4/1/2005	1/1/2009
Margaret Bowman	Businesswoman	1/9/2006	1/1/2010
John Rex	CD Program Director	1/1/2005	1/1/2007
Don Hargrove	Retired	2/3/2003	1/1/2007
Moke Eaglefeathers	Director NAIA	4/1/2005	1/1/2009
Darryl Dupuis	Retired	1/9/2006	1/1/2010
Teresa O'Connor	Attorney	1/1/2005	1/1/2009

Parole Board members serve staggered terms. The Governor appoints one member and two auxiliary members in January of the first year of the term. A third member and one auxiliary member are appointed in January of the second year of the Governor's term. The remaining member and an auxiliary member are appointed in January of the third year.

Margaret Bowman, Melbert Eaglefeathers, and Darryl Dupuis are enrolled tribal members. All members have received training that addresses: (a) the culture and problems of Montana tribes and reservations; (b) statistical and comparative data regarding correctional populations; (c) distinctions between urban and reservation populations; (d) federal, state, and local community services available to paroled or discharged American Indian inmates; (e) state and federal law and rules pertinent to board operations; (f) offender pathology, treatment, and supervision; and (g) department of corrections organization. The most recent training took place at the KwaTaqNuk Resort in Polson, Montana, on November 8 and 9, 2006.

MCA 2-15-2301, Board of Pardons and Parole-composition-allocation-quasi-judicial.

- (1) There is a Board of Pardons and Parole.
- (2) Members of the Board, including the auxiliary members, shall possess academic training which has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed can be substituted for these educational requirements.
- (3) The auxiliary members shall attend any meeting that a regular Board member is unable to attend and, at that time, have all the rights and responsibilities of a regular Board member.
- (4) The Board is a quasi-judicial body and is entitled to *quasi-judicial immunity* for acts performed within their official capacity.

LEGAL AUTHORITY OF BOARD OF PARDONS AND PAROLE

LEGAL ADVISOR:

46-23-105 MCA, 1991: The Board may appoint any qualified attorney or the Attorney General to act as its legal advisor and represent it at all proceedings whenever so requested by the Board.

INFORMATION FROM COURTS TO BOARD:

46-23-106 MCA, 1991: It shall be the duty of the court disposing of any criminal case to cause to be transmitted to the Board of Pardons and Parole statistical data in accordance with regulations issued by the Board regarding all dispositions of defendants whether found guilty or discharged.

AUTHORITY OF BOARD TO ADOPT RULES:

46-23-218 MCA, 1991: The Board may adopt any other rules it considers proper or necessary with respect to the eligibility of prisoners for parole, the conduct of parole hearings, and conditions to be imposed upon parolees.

CONDITIONS OF PAROLE:

46-23-215 MCA, 1991: A prisoner, while on parole, remains in the legal custody of the institution from which the prisoner was released but is subject to the orders of the Board.

When an order for parole is issued, it must recite the conditions of parole. If restitution was imposed as part of the sentence under 46-18-201, the order of parole must contain a condition to pay restitution to the victim. An order for parole or any parole agreement signed by a prisoner may contain a clause waiving extradition.

PROBATION AND CONDITIONAL RELEASE ARE NOT PAROLE:

Probation is the suspension or deferral of a prison or Department commitment by the District Court. The District Court retains jurisdiction and the offender is placed under community supervision subject to the conditions imposed by the court. Probation officers in the community supervise these offenders and the District Court is responsible for revocation after a due process hearing.

Conditional Release is a program implemented by the Department of Corrections (DOC). As an alternative to commitment to a prison, under 46-18-201, MCA, a District Judge may commit an offender to the DOC for up to five years with a recommendation for placement in an appropriate correctional facility or program. DOC commits entering prison from any source after February 1, 2003, can only be released from prison via a parole from the Montana Board of Pardons and Parole or by discharging their sentence. DOC commits who are in a pre-release center, boot camp, Connections Corrections, or on ISP prior to February 1, 2003, will be eligible for either parole or conditional release. After February 1, 2003, DOC commits admitted to the above community corrections programs who have not been to prison on their current sentence will not be eligible for parole and must be released on conditional release.

CONFIDENTIALITY OF RECORDS:

46-23-110 MCA, 1999: The Board or a Board staff member determines whether any document in the Board file is subject to a personal privacy or safety interest that clearly exceeds the merits of public disclosure. The Board may not withhold any more information than is required to protect these interests. The Board may charge a fee for copying and inspecting material and may limit the time and place that the records may be inspected or copied. A victim's statement may be kept confidential.

ADMINISTRATIVE ATTACHMENT:

The Montana Legislature allocated the Board of Pardons and Parole to the Department of Corrections for administrative purposes only following the 1971 Executive Reorganization Act. However, the Board is autonomous, hires its own personnel, and sets its own policy independent of the Department of Corrections and without approval or control of the Department of Corrections. The Parole Board is not responsible for the care and custody of inmates nor is it in charge of supervising parole and probation officers. *Why is a separate and independent paroling authority a significant factor?* 1). The distribution of power within a correctional system must be distributed in a manner that will reduce the potential for misuse of power, a flexible system of punishment and checks and balances. 2). A citizen Board with members who have no vested interests can review offenders based on community safety and are not unduly influenced by the pressures of system management. 3). When corrections personnel do their job as they should, they become deeply involved in the lives of the inmates under their jurisdiction. Consequently, the tendency is to be influenced, either positively or negatively, by factors the inmates present; factors such as institutional behavior and current progress. Board members focus on many factors in addition to institutional adjustment, especially factors with predictive significance such as criminal history, nature and severity of the offense, and prior community adjustment. 4). When the question of whether a parolee's behavior has deteriorated to the point where revocation is necessary, this decision must be subject to review by a body not involved in day-by-day supervision and system management. **In effect, the Board becomes a body that, among other responsibilities, is required to review the "products" of correctional programs.**

The separate and distinct roles of the corrections personnel and the parole board inevitably mean there will be periodic tension between the two agencies. However, this is one of the results of the checks and balance system, **the ultimate purpose of which is the protection of citizens and inmates.**

PAROLE PROCESS

PAROLE ELIGIBILITY:

The minimum (initial parole eligibility) and maximum (sentence expiration) sentence lengths are set by the legislature and the district court. An inmate **sentenced to or classified and housed in a state prison** meeting the qualifications must be considered for parole. Parole is an earned privilege and may be granted only in the best interest of society and when the Board feels the offender is willing and capable of being a law-abiding citizen. Parole is not a reduction of a sentence or an award of clemency.

The Board staff administers a pre-parole program that centers on Board staff participating in the initial classification of inmates. The Board staff personally advises the new inmates of the types of prison programs, treatment accomplishments, and behavior or conduct expected which may enhance the offender's possibility of success on parole.

PROCESS:

All calculations for parole eligibility are done by the Department of Corrections' Records Department. Each month, an initial parole eligibility list is sent to the Board and these offenders, along with any reconsiderations set by the Board, are scheduled for a public hearing unless the offender has been deemed ineligible for parole consideration by court order. Cases are usually reviewed 60 days prior to initial eligibility. The inmate is notified in writing regarding the date of the hearing. The inmate then will develop a parole plan to be presented to the Board. When present staffing allows, Board staff will conduct a pre-parole school approximately 30 days in advance of the inmate's scheduled Board meeting to assist and facilitate the completion of this release plan. The offender will appear before the Board members, at which time oral testimony is taken from all interested parties and the members review the offender's records. In most cases, a written disposition is rendered immediately following the hearing.

All interviews and hearings before the Board are conducted informally under the direction of the Chair or a designee. An inmate who is not interested in parole release may waive the right to personally appear before the Board. The inmate will acknowledge the fact the Board will render a decision based on the written record and on the fact the inmate is not interested in parole. Interested persons may appear before the Board but must notify the Board at least ten days prior to the hearing. The Board has discretion in determining the number of persons who can attend the hearing and the Board generally excludes minors. To protect individual privacy rights, the Board may close a meeting to discuss confidential information.

MEDICAL PAROLE:

In the Board's opinion, medical parole is reserved for offenders who have not served enough time to be eligible for standard parole. The Board may release a person on medical parole, except a person under sentence of death at anytime eligibility requirements are met. To be eligible for a medical parole, a person must have an examination and written diagnosis by a physician licensed under Title 37 to practice medicine. The diagnosis must include a determination that the person suffers from an incapacitating physical condition, disease, or syndrome that renders the person highly unlikely to present a clear and present danger to public safety; a description of the physical condition, disease, or syndrome; and a detailed description of the person's physical incapacity and prognosis addressing the likelihood of the person's recovery from the physical condition, disease, or syndrome and the extent of any potential recovery. The diagnosis must be reviewed and accepted by the Department of Corrections before the Board may consider granting a medical parole.

The Board requires as a condition of medical parole that the person agrees to placement in an environment chosen by the Department during the parole period, including but not limited to a hospital, nursing home, or family home. The Board may require as a condition of parole that the person agree to periodic examinations and diagnosis at the person's expense. Reports of each examination and diagnosis must be submitted to the Board and Department by the examining physician. If either the Board or the Department determines that the person's physical capacity has improved to the extent that the person is likely to pose a possible detriment to society, the Board will revoke the medical parole and return the person to the custody of the Department.

Medical parole may be requested by the Board, the Department, an incarcerated person, or an incarcerated person's parent, grandparent, child, or sibling by submitting the request in writing to the administrator of the correctional institution in which the person is incarcerated.

NOTIFICATION AND COMMUNITY RESPONSE:

The Board provides written notification of parole consideration to the sentencing judge(s), prosecuting attorneys, law enforcement officials from the county of commitment, probation and parole authorities, and victims of an offender. The Board actively solicits comments and testimony regarding the possible release of the offender. (See Appendix for example of Notice).

ALTERNATIVES TO PRISON PLACEMENT:

The Treasure State Correctional Training Center, pre-release centers, and other appropriate correctional programs across the State are extensions of Montana State Prison. Offenders in residence at these facilities continue to be classified as inmates. Generally, for parole purposes, court ordered programs and Board directed programs obtained in these facilities are acceptable to the Board.

PRE-PAROLE INVESTIGATION:

Before the Board interviews an inmate for parole consideration, it requests detailed reports and recommendations from prison counselors, Board staff, and, if a case warrants, from professional staff, such as psychologists. Sources of information include arrest and court records, pre-sentence investigations, and existing psychological evaluations and reports from any treatment programs an inmate may have attended. Also considered are institutional work and conduct records, rehabilitative efforts, and community response. This information is considered confidential criminal justice information. The Board views this information as advancing a penological interest and will review all requests to release this information individually.

PAROLE PLAN:

A comprehensive parole plan must be prepared by each inmate for Board consideration. Each plan will include a suitable living situation, gainful employment, or training or a school program guaranteed by a responsible and reputable person, firm, or institution. All release plans will be approved by the local Adult Probation and Parole staff prior to an offender being released on parole.

To appear for an interview before the Board or prior to release on parole, an inmate should have a minimum of 120 days of disciplinary-free status. If the inmate resides in a community-based facility, 90 days will be required. If parole has been granted, the Board may delay release up to 120 days from the date of each major disciplinary report, if it is determined rescission is not in order.

FACTORS IN PAROLE DECISIONS: (criteria)

The Board has identified certain factors as significant when considering an offender for parole. They will determine if, in their opinion:

1. The inmate can be released without being a detriment to him/herself or community.
2. The best interests of society are furthered.
3. The inmate is able and willing to fulfill the obligations of a law-abiding citizen.
4. Continued correctional treatment would substantially enhance the inmate's capacity to lead a law-abiding life.

The Board will not parole an inmate if there is a substantial reason to believe the inmate will engage in further criminal conduct or will not conform to specific conditions of parole.

CONSIDER THESE:

HISTORY

1. Education, training, occupational skills, and employment history.
2. Past use of narcotics or habitual excessive use of alcohol.
3. Circumstances of the offense for which the inmate is serving a sentence.
4. Criminal records, including nature of crimes, recency, and frequency.
5. Behavior and attitude while previously supervised on probation or parole.

PRISON RECORD

1. Attitude toward law and authority.
2. Institutional conduct, including disciplinary reports.
3. Work evaluations and work history.
4. Utilization of treatment opportunities.
5. Utilization of vocational and educational opportunities.
6. Maturity, stability, and behaviors consistent with the general population.
7. Noticeable attitude changes since incarceration.
8. Mental or physical makeup, for instance, physical and emotional status.
9. Risk Assessment Tool

FORWARD VIEW

1. Family status, including whether the offender's relatives or other close associates in the community display an interest.
2. Residence, neighborhood, or community of planned residence.
3. Adequacy of parole plans.
4. Availability of community resources and their value to the inmate.

WAIVER:

An inmate may voluntarily waive a parole hearing by notifying the Board in writing. However, a mandatory hearing will be scheduled within six months. Any inmate who has waived a Parole Board hearing may see the Board earlier by giving at least 30 days written notice. Additional waivers may be allowed under certain circumstances, but must be approved by the Board.

NOTIFICATION OF DECISION:

All decisions issued from the Board are in writing and must be signed by at least two Board members. When an inmate has been denied parole, written notification will include the date of any future Board consideration. The disposition will include any special conditions or terms to be required by those granted parole.

RESCISSION AND RELEASE DELAY:

Parole may be withdrawn prior to release as a result of improper conduct or new evidence and information that were not available for the hearing at which parole was granted. The Board may delay parole release as a result of improper conduct or new evidence and information if rescission is not in order.

PAROLE SUPERVISION:

An inmate's parole is subject to all rules and conditions set by the Board and violations thereof subject the parolee to revocation and return to custody to serve the remainder of the sentence. Rules and conditions are stated in writing and are part of an agreement signed by the parolee. Parolees are also required to pay a monthly supervision fee of ten dollars to the Department of Corrections.

10 DAY FURLOUGH:

Upon receiving a parole from the Board, an inmate may request from the Board a furlough not to exceed two 10-day periods. The purpose of the furlough program is to afford an offender the opportunity to acquire suitable living arrangements, employment, or any condition that is difficult to fulfill while incarcerated.

CONDITIONAL DISCHARGE FROM SUPERVISION:

Should a parole officer recommend and should the Board determine it is in the best interest of the parolee and society, the Board may grant a Conditional Discharge. Parolees are required to report to Probation and Parole by mail once per year. However, parole may be revoked if the parolee violates any condition the Board imposes. The parolee may then be returned to active supervision or custody to serve the remainder of the sentence.

A parolee convicted of a violent offense may be recommended for conditional discharge after a minimum time served on parole of four consecutive years with satisfactory adjustment or three consecutive years with exemplary adjustment. A parolee convicted of a nonviolent offense can be recommended for conditional discharge after three consecutive years satisfactory adjustment and two consecutive years exemplary adjustment.

FINAL DISCHARGE:

When a person is released on parole, the projected date of discharge from parole supervision will be stated on the parole certificate. If all sentences have been completed, the person will receive written notice of discharge signed by the Governor and the Board of Pardons and Parole (no final discharge is issued if a probation term follows). With the exception of jury duty, upon termination of State supervision, the person is restored civil rights and full citizenship.

PAROLE REVOCATION

REVOCATION ARREST:

When a parolee has allegedly violated a condition of his release, the Department of Corrections may issue a warrant for the parolee's arrest.

ON-SITE HEARING:

In most circumstances, an arrested parolee is afforded a preliminary hearing within a reasonable time at or near the place of the alleged violation. The parolee's supervising officer and a hearing officer conduct this hearing. The independent hearing officer need not be a judicial officer. The purpose of the hearing is to determine whether there is probable cause to believe the parolee violated one or more parole conditions or whether the offender should be held in custody pending the Board's decision on revocation.

If probable cause is found, the Board will schedule a formal revocation hearing at the next regularly scheduled Board meeting following the offender's return to Montana State Prison. The parolee may waive the right to an on-site hearing but by doing so, the offender admits to the violations as outlined in the report of violation.

FINAL HEARING:

A parolee may request a continuance of a formal revocation hearing for substantial reason. The parolee may be represented by counsel and have witnesses with testimony relating only to the charges of violation. The purpose of the full hearing is to make final decision on whether there is a violation of parole conditions and whether the violation warrants a return to custody and for how long. If a parolee admits to the violation, the parolee can waive the right to a hearing before the Board. The Board will make a final decision based on the record.

Revocation hearings are recorded. Following the decision, a written copy of the decision is given to the parolee. The Board decision is based on the reports of the supervising officer, the report of the on-site hearing (if there was one), and information and evidence presented at the hearing. The burden of proof is a preponderance of the evidence. Any parolee who commits a crime while on parole or conditional release and who is convicted and sentenced, serves the sentence consecutively with the remainder of the original term unless the court otherwise orders.

The Board will determine if dead time applies and how much is to be applied in individual cases. Dead time is that portion of time spent on parole (the time from the issuing of the parole violation warrant until the offenders' return to custody) that is not to be counted toward time served on the original sentence.

EXECUTIVE CLEMENCY

There are three major kinds of Executive Clemency in Montana:

- (1) ***Pardon*** - a declaration of record that an individual is to be relieved of all legal consequences of a prior conviction.
- (2) ***Commutation*** - involves the mitigation of a criminal punishment through the substitution of a lesser sentence for a greater one.
- (3) ***Remission of Fines and Forfeitures***

The legal effect of a commutation is quite different from that of a pardon. Commutation involves the mitigation of criminal punishment through substitution of a lesser sentence for a greater one.

The substitution of a lesser sentence for a greater one occurs in four principal contexts:

- (1) to make immediately eligible for parole those prisoners not yet eligible under the terms of their sentences;
- (2) to make eligible for parole those who were excluded from eligibility for parole under their original sentences;
- (3) to end lengthy parole, when the individual appears able to live without further supervision; and
- (4) to avoid the death penalty, by the substitution of life imprisonment.

Commutation may be granted conditionally; it is usually said that any conditions may be imposed that are legal, moral, and possible to perform. If the conditions are valid, a noncompliance may lead to the revocation of the commutation.

The members of the Board of Pardons and Parole are responsible for recommending Executive Clemency to the Governor and consider commutation of a sentence and pardon ***extraordinary*** remedies. A recommendation for Executive Clemency will be made only when an applicant is able to clearly demonstrate that exceptional and compelling circumstances of equity and justice exist.

The applicant has the burden of demonstrating by clear and convincing evidence that:

- (1) based on evidence discovered subsequently to trial, the person's innocence is proven;
- (2) mitigating or extenuating circumstances not considered at trial attended the offender's or applicant's commission of the crime;
- (3) the offender or applicant is suffering from a terminal illness or a severe and chronic disability which would be mitigated by release from prison;
- (4) the offender or applicant has made exceptional strides in self-development and improvement;
- (5) further incarceration would constitute gross unfairness; or

- (6) the offender or applicant can satisfactorily prove extraordinary mitigating or extenuating circumstances exist.

In weighing the evidence of exceptional and compelling circumstances presented by the applicant, clemency officials will investigate:

- (1) The nature of the crime, the attitude of the judge and the prosecuting attorney, the attitude of the community toward the applicant, the attitude of the victim and victim's family, and a consideration of whether release would pose a threat to the public safety. The public safety determination overrides even the most substantial showing of exceptional or compelling circumstances.
- (2) Relevant institutional, social, psychological, and psychiatric records of the applicant.
- (3) All parties who have entered a plea of guilty or who have been found guilty by a jury are to be deemed guilty. However, the Board may initiate an investigation into a case where there is offered substantial evidence showing innocence or complete justification on the part of the person convicted.

DECISION:

When the Board determines that sufficient cause appears, a public hearing will be conducted. The Board will hear all pertinent facts and information of the petitioner, the petitioner's counsel and witnesses, as well as any opponents to the petition, with a recording made thereof. Upon conclusion of the hearing, the Board will take the entire case under advisement and will forward a decision of recommendation to the Governor for final determination. Should the Board vote to deny the application, it will not be forwarded to the Governor.

In capital cases, the Board will forward a decision of recommendation or denial to the Governor for final determination.

VICTIM SERVICES

The Board worked diligently on setting up a **victim services program** that could help meet the needs of crime victims. In July of 1997, the Board staff was instrumental in bringing a nationally renowned expert to Great Falls to speak about a program called "Promising Practices and Strategies for Victim Services in Corrections." The Board determined that more attention should be directed toward crime victims in Montana. The Legislature also recognized this fact and changed the statute to mandate crime victim participation in offender sentencing and also required that the criminal justice system notify victims, if they so desired, of the offender's movement within the system.

Although the Board had always been well aware of the trauma and potential for a myriad of feelings by crime victims, the Board formally instituted the victim services program following the meeting in 1997. The Board's Executive Director, Craig Thomas, administers the current program and two employees have been assigned to help make the program work. They are the Victim Services Coordinator, Senior Administrative Officer Jeff A. Walter, and the Victim Services Specialist, Cathy Johnson.

VICTIM NOTIFICATION:

As described in 46-24-212, MCA, the Board must, when requested by a victim or victim's family, provide certain information about an offender. That includes the following:

- promptly inform the victim of the following information concerning a prisoner committing the offense: projected discharge and parole eligibility dates; actual date of the prisoner's release on parole, if reasonably ascertainable; time and place of a parole hearing concerning the prisoner and of the victim's right to submit a statement to the Board under 46-23-202, MCA; and the community in which the prisoner will reside after parole.
- promptly inform the victim of the occurrence of any of the following event concerning the prisoner: a decision of the Board of Pardons and Parole; a decision of the Governor to commute the sentence or to grant Executive Clemency; and a release from confinement and any conditions attached to the release

The Board informs the District Judge, county attorney, police department, sheriff's office, and local probation and parole office of an offender's scheduled appearance before the Board for parole consideration. The victim(s) do have a responsibility to notify the Board staff in writing that they would like to be kept informed of the offender's situation. This includes notifying the Board of any change in name, address, or telephone number. Once a victim or victim's family contacts the Board, the procedure that follows is implemented.

When a victim or witness requests notification of an offender's parole consideration, Board staff sends them an information packet that lists the offender's parole eligibility date, tentative hearing date, and the sentence expiration date. This letter informs the victim/witness of their rights under Montana law. The information also informs the victim/witness of their right to request that their input be kept confidential. The packet includes a Board of Pardons and Parole Victim Rights Information pamphlet, a Department of Corrections VINE pamphlet, and a Department of Corrections CON pamphlet. The information contained in these pamphlets further explains the parole process and the rights that victims/witnesses have in regard to an offender. (An example of the victim notification letter can be found in the Appendix).

VICTIM PARTICIPATION:

If a victim/witness wants to present testimony to the Board members considering an offender's case, arrangements are made for their admittance into the correctional facility where the hearing will be held. Victims may be required, in accordance with Department of Corrections policy, to give their date of birth and social security number so that a background check can be completed. Any person with a criminal record or who is under the age of 18 may be restricted from the facility. Upon completion of the background check, the victim/witness is notified of the time scheduled for the offender's hearing. For offenders appearing at Montana State Prison in Deer Lodge, the victim/witness is directed to the Board's office for instructions on prison policies and procedure. The Board's Victim Services Specialist then accompanies them to the prison. The Victim Services Specialist helps them enter the prison, go through the check-in process, and leads them into the Board room. The Victim Services Specialist is there to help the victim/witness understand the process and to answer any questions the victim/witness may have. After the hearing, the Victim Services Specialist leads the victim/witness back out of the prison and helps them through the checkout process. When a disposition has been rendered in the offender's case, the Victim Services Specialist contacts the victim/witness with the hearing results and again answers any questions that may arise.

The Board has received many positive comments regarding their services provided to the victims/witnesses. Following are examples of the positive feedback we have received:

“I would like to thank you for your guidance, compassion, and kindness to my family during the parole hearing for (offender name withheld) on July 27, 2000. I am sure you deal with many families in equally difficult situations. However, having you there to answer our questions and guide us through the process was a great help.”

“Thank you so much for your assistance today (7-29-2002). It was a difficult day for my family and your help was much appreciated.”

“Thank you for keeping me informed on the (offender name withheld) case. You have alleviated a lot of anxiety and distress during the holidays for me. Thanks for your concern.”

“You gave me just the info I was looking for and we will rest better knowing that this guy isn’t roaming around right now. You were the BEST when we came to his parole hearing two summers ago and I neglected to write you a thank you note ... so a belated thank you!”

“Thank you for your decision and for taking the time to explain things (to me)”

“God bless you and your families. My daughter is looking down from heaven with a smile on her face. She did believe in God and I know she is beside him. Thank you so very much.”

(The offender names and the victim names have been withheld to protect the victim right to confidentiality).

In an effort to improve the services provided to victims, the Board of Pardons and Parole recently began soliciting feedback from victims about their experience with the parole process. A Victim Satisfaction Survey is now sent to any victims who attend a parole hearing to provide input regarding parole consideration for their offender. (See Appendix for an example of the Victim Satisfaction Survey). We hope to use any comments or suggestions provided by victims to enhance the services we currently provide and possibly implement new services as necessary.

OTHER VICTIM-RELATED EFFORTS AND POINTS OF INTEREST:

In addition to the services our office provides directly to victims of offenders being considered for parole, we also participate on the Department of Corrections Victim Advisory Council and collaborate on a continual basis with other corrections victim services personnel to provide a broad network of services, resources, and information to victims. Members of our Victim Services staff attend the biennial Crime Victim Fair (**currently scheduled for April 12, 2007, in the Capitol rotunda**) to provide information about the parole process to victims, victim advocates, other corrections professionals, and the general public. The Victim Services Specialist regularly travels to various agencies and events, including the yearly Victim Advocate course at the Montana Law Enforcement Academy, to provide training on the parole process and the victim’s invaluable role within that process.

AMERICAN CORRECTIONAL ASSOCIATION (ACA) ACCREDITATION

The 1999 Legislature authorized funding for the Board of Pardons and Parole to pursue ACA accreditation. Benefits of accreditation include:

- safeguarding the life, health, and safety of the staff and offenders;
- aiding in the defense of potential lawsuits;
- providing a systematic evaluation of all areas of agency administration and operation;
- improving management through the creation or refinement of written policies and procedures for all areas of agency operation;
- providing management and line staff the opportunity to work together to assess needs and develop solutions; and
- giving recognition for achievement, improving staff morale, and demonstrating accountability to the public.

The Board was accredited in 2001 and reaccredited in 2004 and found to be 98% compliant after the 2007 reaccreditation audit. The Montana, New York, Arkansas, and Ohio Boards are the only accredited paroling authorities. (A copy of the ACA Accreditation Certificate is available in the Appendix).

OFFENDER INFORMATION DATABASE

As part of our ongoing efforts to streamline the Board's operations, over the past several years Board staff created and implemented a computerized offender data information system. This new system was created to replace a rolodex card system used to record offender data pertinent to the Board's needs. The new system is currently being used to record offender information including the offender's name, number, date of birth, status in the system, parole eligibility and discharge dates, sentencing information, Board dispositions, victim information, and miscellaneous notes about the offender. The program is also used to generate the monthly Board lists and hearing results reports. Additionally, this program can be used to produce various reports based on the data available in the database. (Table 3 – Dispositions by Ethnicity is an example of a report generated from the database). Funding has been requested for an additional upgrade to the Board's information technology capabilities.

The Board is currently requesting funding for an additional software application. A preliminary proposal has been submitted by S & K Technologies, Inc., a Salish and Kootenai Tribally-Owned Enterprise. This application will provide time and cost savings by automating or semi-automating the Board process and give Board members the ability to remotely access needed file material.

The initial phase will include a pilot project includes scanning appropriate documents for the Board members that will be accessible within an interface that will display the critical information for an inmate.

Phase 2 will include a detailed workflow analysis, further application development, scanning, protocol setup for library maintenance and end user training. Phase 3 will include design and development for all forms of access levels, final arrangements for maintenance and service, full deployment across enterprise

and training

RISK ASSESSMENT OVERVIEW

The Montana Board of Pardons and Parole had been interested in developing a risk assessment tool to assist the Board members following a 1991 National Institution of Corrections- (NIC) funded site visit and short-term technical assistance project. The consultant's assessment of the parole process in Montana suggested consideration of a structured parole decision-making process. This type of decision-making includes a risk assessment tool. A second NIC-funded project was completed in 1996. Each consultant's report indicated an assessment tool would benefit the citizen Board members. Continuing dialogue with the ever-changing Board members resulted in a request for the formulation of a Risk/Needs scale. The Board of Pardons and Parole applied for funding through the Byrne Memorial Anti-Drug Funds of the U.S. Department of Justice. The application was approved and the process of developing a validated assessment tool began in 1998.

In September 1998, Peggy Burke of the Center for Effective Public Policy, the Board members, and Board staff met in Montana to plan and implement the project. The consensus of the Board members was to continue with the process and develop an assessment tool to use as one part of the decision-making process.

The first phase of the project began on July 1, 1999. The information the Board feels is critical when considering an offender for parole and details of offenders who were released on parole or discharged from prison were recorded by Board staff and submitted to the consultant for analysis. Also recorded and analyzed was an assessment of the parolee or discharged person's progress at the end of one year. This phase of the project concluded on June 30, 2000. In July 2001, the outcome date was completed and an assessment tool was developed for testing.

The Montana Board of Pardons and Parole began assessing inmate risk, according to the assessment tool on January 1, 2002. All inmates for whom the tool is established and appear before the Board are assessed and given a numeric score, according to the risk tool. (See Appendix for an example of the risk assessment tool). It should be noted that the tool is not used for any sexual offenders, DUI offenders or women. All sex offenders are given a tier level, thus the risk assessment would be redundant. It was determined that DUI offenders are much harder to develop a scale for because of their background and the fact that many of them do not have a criminal lifestyle. At the time of the development of the tool, the State of Montana did not have sufficient women offenders to track and therefore it does not apply to them. It may be a consideration for future Board action.

The Montana Board remains committed to assessing inmate risk prior to making release decisions. The risk assessment tool remains one part of the Board's consideration.

STATE OF MONTANA

BOARD OF PARDONS AND PAROLE

300 Maryland Avenue – Deer Lodge, Montana 59722
Phone (406) 846-1404 Fax (406) 846-3512

To: Judge: _____
Sheriff: _____
County Attorney: _____

DATE: _____

FROM: Craig Thomas, Executive Director

Please be advised that _____, received on _____, and convicted of _____, will appear for parole consideration _____, in accordance with 46-23-201, MCA, and may be released on _____ if approved by the Board. This offender's projected sentence completion date is _____. Parole release notification will be made if a request is sent to the Montana State Prison Records Department and/or the Board of Pardons and Parole. Victims are permitted to present a statement to the Board regarding the effects of the crime, circumstances surrounding the crimes, the manner in which the crime was perpetrated, and an opinion whether the offender should be paroled. Exact hearing date, location, and approximate time can be obtained by contacting the Board's office. In accordance with section 46-23-202 MCA, and the Board of Pardons and Parole Administrative Rules 20.25.401, the Board has the power to regulate procedure at all hearings. **All persons of legal age wishing to appear before the Board must contact the Board at least ten (10) working days prior to the hearings for approval. No person shall be admitted to Parole Board hearings without prior approval of the Board.**

COMMENTS:

If you have any requests or information relating to this individual's parole consideration, please comment on this form and return to the Board of Pardons and Parole as soon as possible; or you may submit your comments via e-mail to jwalter@mt.gov.

Name: _____ Title: _____
(Print)

Address: _____ Phone: _____
(City, State, Zip)

CC: Chief of Police
Parole Office
Victim (if applicable)

VICTIM NOTIFICATION

DATE:

TO:

REGARDING INMATE: _____ **DOC ID:** _____

This notice is to acknowledge receipt of your request for notification and to advise you of parole eligibility, hearings before the Board of Pardons and Parole, and/or other release or clemency actions regarding the above-referenced offender. At your request, information you provide will be kept confidential. You may request to appear before the Board and present testimony regarding the offender's release consideration or you may file written objections and/or recommendations. If you choose to appear in person, you must provide our office with your date of birth and social security number at least 10 working days prior to the hearing date.

1. Inmate's parole eligibility date: _____
2. A tentative parole hearing is scheduled for: _____
3. Inmate's current discharge date: _____
4. For your convenience, you may call VINE (Victim Information and Notification Everyday) at 1-800-456-3076 to receive automated information on an inmate.

Please keep our office informed of any address or phone number changes.

Additional Information: N/A

If you any questions or need further information, please call:

Cathy Johnson
Victim Services Specialist
Board of Pardons and Parole
(406) 846-1404
(406) 846-3512 - fax

**MONTANA BOARD OF PARDONS AND PAROLE
VICTIM/WITNESS STATEMENT**

Victim/Witness Name: _____
(Please Print)

Date: _____

Full Address: _____
(Street/P.O. Box, City, State, and Zip)

Offender Name: _____

DOC ID: _____

The above-referenced offender has been scheduled for parole consideration. As a registered victim/witness for this offender, you have a right, if you choose, to provide input in the parole process. We have provided the following outline to assist you in that effort. Please do not feel obligated to use this outline or answer any questions you can't or don't wish to. Feel free to use additional paper for any of your answers. Any information you provide will be kept confidential*. If you choose to appear in person at the parole hearing, you must contact our office by phone at least 10 working days prior to the hearing. Please keep in mind that while your input is invaluable in the parole process, it is for informational purposes only. The Board Members are not bound by any information or suggestions you provide and will base their decision on many factors, including your input.

1. To help the Board understand the purpose of your statement, briefly describe your background/history, if any, with this offender.

2. As part of their decision, the Board will consider the official version of the crime as listed in court documents. If you are a victim or witness in the crime for which this offender was convicted, what details would you like to add regarding the events surrounding the offense(s)? If you were not a victim/witness in this particular crime but have registered for notification due to other reasons, explain how your life or that of your family has been affected by this offender.

3. The purpose of this hearing is for the Board to determine, after considering all relevant information, whether parole is appropriate for this offender. What concerns would you have regarding possible parole release for this offender?

4. What recommendations, based on your history with this offender, if any, would you like the Board to consider when making their decision?

5. When the Board grants parole to an offender, they impose various conditions or restrictions on that parole. What restrictions would you request the Board consider placing on this offender if he/she is granted parole? Please give a brief explanation to justify the restriction(s).

6. What other comments or information not addressed above would you like the Board to consider?

Signature

Date

You may contact our office at 406-846-1404 following the hearing to obtain the results or at any time for any questions you may have about the process. You can also access that information on our website at www.mt.gov/bopp. The hearing results are usually posted on the website within 10 days of the hearing.

Please return this form to: Board of Pardons and Parole
300 Maryland Avenue
Deer Lodge, MT 59722

Important Note on Confidentiality: In 1998, the Montana Supreme Court ruled that offender records held by the Board could be subject to public inspection. It is the practice of the Board to keep information about or submitted by victims confidential for the victim's personal safety. However, we share our files with Probation and Parole and can only guarantee that any file materials remain confidential while the file is in our office.

MONTANA BOARD OF PARDONS AND PAROLE VICTIM/WITNESS SATISFACTION SURVEY

This survey is voluntary and is intended for informational purposes only to help us evaluate the services available to victims – any information you choose to provide will be kept confidential, will not be placed in the offender's file, and will not be distributed outside of our office.

- You may include your name and address if you wish but are not required to do so -

Victim/Witness Name: _____ Date: _____
(Please Print)

Address: _____ Offender: _____ DOC ID: _____
(Street/P.O. Box, City, State, and Zip)

You were recently involved in the parole process regarding the above-referenced offender. We are very interested in your opinions about your experience. Please consider both positive and negative aspects of that experience as you answer these questions. Use the back of this form or a separate sheet of paper if necessary.

1. Understanding that you may or may not agree with the Board's decision in this case, we would like to know how you feel about how much opportunity for input you were allowed in the process.

What aspects of your experience did you like? Dislike?

2. Were you satisfied with your options for providing input regarding parole consideration for this offender (oral, written, or video/audio)?

3. If you provided written input, did you feel the information you received to accomplish that was adequate (were you provided with a statement guideline, a hearing/review date, contact information)?

If you personally appeared before the Board to provide input or did so via video or audio methods, did that experience meet your expectations? What, if any, aspects did not?

4. Other than whether you agree or disagree with the Board's decision, do you have any other comments or suggestions regarding your experience with the parole process?

5. As part of the criminal justice system in Montana, the Board of Pardons and Parole works in collaboration with various other entities within the system to provide victim services. Are there any areas, other those addressed above, that you would like to comment on or suggest improvements to?

Thank you for your time in helping us with this important survey. We really appreciate your assistance in improving the quality of service we provide to victims. If you have any questions or need further information, please feel free to contact Cathy Johnson, Victim Services Specialist, at 406-846-1404 or cathyj@mt.gov. You can also access a wide variety of useful information on our website at www.mt.gov/bopp, the Department of Corrections website at www.cor.mt.gov, or the Department of Justice website at www.doj.mt.gov.

Please return this form to:
Board of Pardons and Parole
300 Maryland Avenue
Deer Lodge, MT 59722



*Commission on Accreditation for Corrections
and the
American Correctional Association
awards*



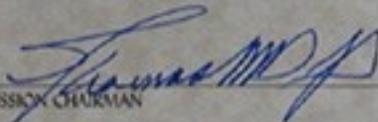
ACCREDITATION

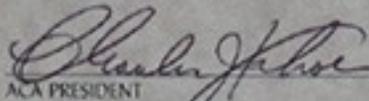
to

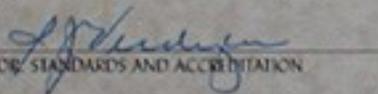
*Montana Department of Corrections
Montana Board of Pardons and Parole
Deer Lodge, Montana
2004-2007*

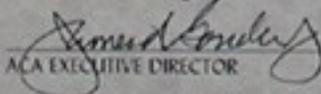
*in recognition of the attainment of excellence in the operation of
an Adult Probation and Parole Authority*

presented this 12th day of January 2004


COMMISSION CHAIRMAN


ACA PRESIDENT


DIRECTOR, STANDARDS AND ACCREDITATION


ACA EXECUTIVE DIRECTOR



MONTANA BOARD OF PARDONS AND PAROLE
RISK ASSESSMENT SCALE

Offender Name _____ DOC ID _____

Regular work assignment while in prison

No 5
Yes 0

Serious drug or alcohol problem

Both 5
Either alcohol or drug problem 3
None 0

Age at first arrest

Up thru age 18 6
19 – 24 3
25 and older 0

Any arrest for burglary, robbery, theft, auto theft, or forgery

Yes 5
No 0

Prior felony convictions

Yes 3
No 0

TOTAL RISK SCORE _____

RISK LEVEL _____

High school graduate or some college

No 2
Yes 0

Prior community supervision

Yes 1
No 0

RISK SCORES AND LEVELS				
Risk Score	Risk Level	Percent Meeting Board Standard	Percent Not Meeting Board Standard	Percent of Total
1 – 15	Low	68	32	37
16 – 20	Med	56	44	35
21 – 27	High	39	61	28

Board standard for inmate performance following release on parole requires no arrests for either a felony or a misdemeanor, and no return to prison for a technical violation of parole during the 12 months following release.

Note: This risk assessment is an information tool used by the Montana Board of Pardons and Parole. It does not limit the discretion of the Board in any way.

Table 1

**STATE OF MONTANA - BOARD OF PARDONS AND PAROLE
EXECUTIVE CLEMENCY REPORT**

Name	Crime	Date, County, and Sentence	Executive Order Signed	Board Member Objections	Reason
Baron, Adam	Criminal Possession of Dangerous Drugs	8-3-92, Sweetgrass, \$500 fine, plus \$15 surcharge w/all but \$243 ss. (bond used as fine)	11-1-06, Schweitzer, Pardon	None	Based on his professionalism, honesty and accomplishments, graduated college and has maintained an exemplary lifestyle since his youthful indiscretion.
Richard DeFoe	Theft (m)	4-26-96, Flathead, \$520 fine and 30 days jail, all but 7 days suspended.	11-3-06, Schweitzer, Pardon	None	Based on the nature of the offense, limited criminal record, and his employment history.
Vernon Finley	Aggravated Assault, 2 cts.	7-20-97, Lake, 10 years suspended, each count concurrent	8-2-05, Schweitzer, Pardon	None	Current conviction is prohibiting him from running for a position on Salish-Kootenai Tribal Council. Has completed various post-secondary degrees and is involved in a very stable relationship with his wife. Takes full responsibility for his actions and is remorseful.
Stephen Jeffrey	Domestic Abuse (m)	11-3-91, Cascade, \$315 fine, 6 months jail, all but 2 suspended and counseling	8-2-05, Schweitzer, Pardon	None	He is in the military and the current conviction is limiting his possibilities in that area; wants to return to firearms instruction and hunter safety instruction.
Beverly Hill	Theft	9-14-87, Lewis and Clark, 40 years, all but 6 months suspended, 10 days jail time for next 9 yrs, modified to 1650 hrs of community service	Schweitzer, Denied	None	Board recommends that she be granted a commutation but not a pardon. The Board feels that this offense should remain on her record to remind her and the community of her prior inappropriate behavior
Brian Webb	Domestic Abuse (m)	3-7-94, Gallatin, \$175 fine, 6 months unsupervised probation; 48 hours jail, 25 hrs counseling	10-12-04, Martz, Pardon	None	Exemplary accomplishments since his charge, including employment by Johnson County Sheriffs Department, and community volunteer work
Jerry Lince	Domestic Abuse (m)	8-8-94, Deer Lodge, 180 days with 178 days suspended, \$115 fine	4-8-2004, Martz, Pardon	None	Support from community, recommendation from P&P, positive psych
Matthew Prinkki	Theft (m)	12-3-97, Yellowstone, \$200 fine, \$20 court cost	3-31-2004, Martz, Pardon	None	Non-violent, nature of offense, accomplishments since conviction, minor offense

Name	Crime	Date, County, and Sentence	Executive Order Signed	Board Member Objections	Reason
Austin Richmond	Theft by Accountability (m)	6-22-99, Yellowstone, \$220 fine, 8hrs community service	11-12-2002, Martz, Pardon	None	Minor offense, no criminal history, exemplary performance, employment restrictions
Kimmie Sue Eoff Jewitt	Assault	8-10-93, Park, 3yrs Probation	9-14-2000, Racicot, Pardon	None	Governor cited miscarriage of justice
Joy Hartl	Domestic Abuse	11-18-87, Yellowstone, 30 days suspended	2-1-2000, Racicot, Pardon	None	Governor cited miscarriage of justice
Duncan Peder McKenzie	Deliberate Homicide; Aggravated Kidnapping	3-3-75, Cascade, Death	Capital Offense, Board recommended against Executive Clemency, Governor Racicot did not grant clemency	None	McKenzie executed May 10, 1995
Michael Gary Davies	Assault and Battery with a Weapon	4-1-69, Jefferson, 3yrs Probation, 4mos Jail	4-9-93, Racicot, Pardon	None	Demonstrated exemplary performance
Gene Earl Brown	Issuing a Bad Check	11-14-90, Flathead, 10yrs	11-6-92, Stephens, Commutation	None	Substitute non-dangerous for dangerous designation to allow parole eligibility (terminal illness)
John Dickens Armstrong	Aggravated Assault; Intimidation; Deviate Sexual Conduct; Escape	7-30-79, Dawson, 40yrs	10-7-92, Stephens, Commutation	None	Substitute non-dangerous for dangerous designation to allow parole eligibility (life in danger)
Lynn D. Kirsch	Possession of Dangerous Drugs with Intent to Sell	3-22-82, Missoula, 5yrs	10-19-92, Stephens, Pardon	None	10 years of exemplary adjustment
Edward Keith Joliff	Theft	Fergus, 45 days MSP, 3yrs Probation	10-19-92, Stephens, Pardon	None	Demonstrated exemplary performance
Francis Lee Auld	Negligent Homicide	Missoula, 9yrs w/7yrs 182 days suspended	4-23-92, Stephens, Pardon	None	Demonstrated exemplary performance
Debra Segna	Forgery	Silverbow, 10yrs	11-27-91, Stephens, Pardon	None	Demonstrated exemplary performance
Mark Murnion	Sale of Drugs; Possession of Drugs; Theft	Fergus, 2yrs	4-10-91, Stephens, Pardon	None	Demonstrated exemplary performance
Letha Martz	Issuing Bad Checks	Richland, 3yrs	6-26-90, Stephens, Pardon	None	Demonstrated exemplary performance - employment limitations
Wanda Marie Olsen	Forgery; Possession of Dangerous Drugs	Yellowstone, 2yrs, 6mos	6-12-90, Stephens, Pardon	None	Demonstrated exemplary performance - employment limitations
Robert Richard Reed	Burglary	7-22-83, Custer, 5yrs Probation	5-22-90, Stephens, Pardon	None	Minor offense, no criminal history, and exemplary performance
Arthur Fenton	Issuing Bad Checks	5-10-47, Cascade, 1yr	2-22-90. Stephens, Pardon	None	Length of time elapsed since conviction - exemplary performance

Name	Crime	Date, County, and Sentence	Executive Order Signed	Board Member Objections	Reason
David C. Keith	Aggravated Kidnapping	4-17-85, Lake, Death	12-29-88, Schwinden, Commutation	Chair Burgess dissented - Death sentence appropriate	Substituted Life w/out Parole for Death
Scott Koontz	Burglary	4-25-75, Park, 60 days Prison, 3yrs 6mos Probation	5-13-88, Schwinden, Pardon	None	Exemplary performance
John P. Clair	Murder, 2nd	6-2-55, Lewis & Clark, 75yrs	5-13-88, Schwinden, Commutation	None	Commutated to time served - length of time served, good adjustment
James L. Smith	Manslaughter	5-2-63, Silverbow, 5yrs	2-25-88, Schwinden, Pardon	None	Exemplary performance for over 20 years
William Foster	Attempted Deliberate Homicide; Robbery	4-23-75, Silverbow, 25yrs	2-9-88, Schwinden, Commutation	None	Sentence commuted to time served
Delmer J. Howard	Murder	11-9-54, Silverbow, 18yrs	2-9-88 Schwinden, Pardon	None	Exemplary performance for nearly 30 years
Charles A. Vestre	Issuing Bad Checks	1-19-54, Flathead, 10yrs	10-16-87, Schwinden, Pardon	None	Exemplary performance, time elapsed since offense, minor offense
Patrick E. Durnam	Possession of Dangerous Drugs, 2cts	1-19-78, Gallatin, 7yrs w/3yrs 6mos suspended	7-20-87, Schwinden, Pardon	None	Exemplary performance
Everette T. Howard	Mitigated Deliberate Homicide; Burglary	6-14-77, Missoula, 25yrs w/15yrs ss; 6-30-64, Silverbow, 3yrs Probation	7-20-87, Schwinden, Pardon and Commutation	None	Commutated sentence to time served and granted Pardon. Tremendous rehab effort - Masters degree
Justin Fields	Possession Dangerous Drugs	5-2-75, Yellowstone, 18mos	3-9-87, Schwinden, Pardon	None	Exemplary performance, time elapsed since offense
Eugene E. Patneau	Sexual Assault	1-14-83, Cascade, 10yrs	12-22-86, Schwinden, Commutation	None	Time commuted from 10yrs to 5yrs - terminal illness (6-8-87 deceased)
William F. Masee	Theft, 5cts	7-1-80, Meagher, 5yrs Probation	8-21-86, Schwinden, Pardon	None	Exemplary performance
Kenneth M. Ingle	Theft	3-1-82, Lincoln, 5yrs Probation	8-21-86, Schwinden, Pardon	None	Exemplary performance
John G. Fairservice	Burglary	3-28-52, Toole, 3yrs Probation	8-21-86, Schwinden, Pardon	None	Exemplary performance, time elapsed since conviction - employment restrictions
Joseph Miller Sr.	Unauthorized Use of a Motor Vehicle; Forgery	5-19-54, Valley, 3yrs; 2-21-51, Roosevelt, 1yr	2-13-85, Schwinden, Pardon	None	Exemplary performance
Robert L. Olson	Grand Larceny; Forgery; Burglary	5-26-72, Lincoln, 14yrs all ss but 5mos; 5-27-68, Toole, 3yrs 6mos; 10-20-66, Toole, 48mos	2-13-85, Schwinden, Pardon	None	Time elapsed since conviction, exemplary performance
Donald E. Ferriter	Disorderly Conduct; DWI	3-8-81, Lewis & Clark,	8-13-84, Schwinden, Pardon	None	Business restrictions, exemplary

Name	Crime	Date, County, and Sentence	Executive Order Signed	Board Member Objections	Reason
		Bond Forfeiture; 7-24-78, Lewis & Clark, Fine			performance
Edwin Rasmussen	Deliberate Homicide	4-30-75, Fergus, 50yrs w/20yrs suspended	7-12-84, Schwinden, Commutation	None	Sentence commuted to 25yrs - end lengthy supervision
Jesse R. Coate	Theft (m)	7-6-83, Rosebud, 30 days Jail suspended	3-16-84, Schwinden, Pardon	None	Exemplary performance
Alex Sam	Armed Robbery	9-30-52, Missoula, 20yrs	3-16-84, Schwinden, Pardon	None	Exemplary performance, time elapsed since conviction
Grace Laverne Chasing Hawk	Negligent Homicide	9-24-75, Yellowstone, 10yrs w/3yrs suspended	1-12-84, Schwinden, Pardon	None	Exemplary performance

Updated 12-2006

CJJ:I:\Docs\Legislative Report 2007\Table 1 – Executive Clemency Report 12-2006

Table 3 – Part 1

State of Montana - Board of Pardons and Parole

1-2005 to 12-2006

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Appearance/Reappearance

Race Unlisted

Total Females:	13	Total Females Approved:	2	Total Females Denied:	0	Total Females Waived or Cont.:	11
Total Males:	30	Total Males Approved:	3	Total Males Denied:	2	Total Male Waived or Cont.:	25
Total Dispositions:	71	Total Approved:	7	Total Denied:	2	Total Waived or Cont.:	62
		Approved Percentile:	77.8%	Denied Percentile:	22.2%		

AmerAsian

Total Females:	1	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	1
Total Males:	1	Total Males Approved:	0	Total Males Denied:	0	Total Male Waived or Cont.:	1
Total Dispositions:	2	Total Approved:	0	Total Denied:	0	Total Waived or Cont.:	2
		Approved Percentile:	N/A	Denied Percentile:	N/A		

Asian/Oriental

Total Females:	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	6	Total Males Approved:	2	Total Males Denied:	1	Total Male Waived or Cont.:	3
Total Dispositions:	6	Total Approved:	2	Total Denied:	1	Total Waived or Cont.:	3
		Approved Percentile:	66.7%	Denied Percentile:	33.3%		

Black/African American

Total Females:	6	Total Females Approved:	2	Total Females Denied:	0	Total Females Waived or Cont.:	4
Total Males:	97	Total Males Approved:	17	Total Males Denied:	26	Total Male Waived or Cont.:	54
Total Dispositions:	103	Total Approved:	19	Total Denied:	26	Total Waived or Cont.:	58
		Approved Percentile:	42.2%	Denied Percentile:	57.8%		

Black/Native American

Total Females:	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	7	Total Males Approved:	1	Total Males Denied:	2	Total Male Waived or Cont.:	4
Total Dispositions:	7	Total Approved:	1	Total Denied:	2	Total Waived or Cont.:	4
		Approved Percentile:	33.3%	Denied Percentile:	66.7%		

Hispanic/Latin American

Total Females:	22	Total Females Approved:	6	Total Females Denied:	2	Total Females Waived or Cont.:	14
Total Males:	135	Total Males Approved:	39	Total Males Denied:	37	Total Male Waived or Cont.:	59
Total Dispositions:	157	Total Approved:	45	Total Denied:	39	Total Waived or Cont.:	73
		Approved Percentile:	53.6%	Denied Percentile:	46.4%		

Hispanic/Native American

Total Females:	5	Total Females Approved:	2	Total Females Denied:	0	Total Females Waived or Cont.:	3
Total Males:	20	Total Males Approved:	4	Total Males Denied:	4	Total Male Waived or Cont.:	12
Total Dispositions:	25	Total Approved:	6	Total Denied:	4	Total Waived or Cont.:	15
		Approved Percentile:	60.0%	Denied Percentile:	40.0%		

Middle Eastern

Total Females:	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	4	Total Males Approved:	1	Total Males Denied:	0	Total Male Waived or Cont.:	3
Total Dispositions:	4	Total Approved:	1	Total Denied:	0	Total Waived or Cont.:	3
		Approved Percentile:	100.0%	Denied Percentile:	0.0%		

Native American

Total Females:	170	Total Females Approved:	44	Total Females Denied:	20	Total Females Waived or Cont.:	106
Total Males:	772	Total Males Approved:	180	Total Males Denied:	194	Total Male Waived or Cont.:	398
Total Dispositions:	943	Total Approved:	224	Total Denied:	214	Total Waived or Cont.:	505
		Approved Percentile:	51.1%	Denied Percentile:	48.9%		

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Appearance/Reappearance

Other

Total Females:	2	Total Females Approved:	1	Total Females Denied:	0	Total Females Waived or Cont.:	1
Total Males:	5	Total Males Approved:	1	Total Males Denied:	1	Total Male Waived or Cont.:	3
Total Dispositions:	7	Total Approved:	2	Total Denied:	1	Total Waived or Cont.:	4
		Approved Percentile:	66.7%	Denied Percentile:	33.3%		

White/Caucasian

Total Females:	384	Total Females Approved:	137	Total Females Denied:	63	Total Females Waived or Cont.:	184
Total Males:	2823	Total Males Approved:	859	Total Males Denied:	645	Total Male Waived or Cont.:	1319
Total Dispositions:	3222	Total Approved:	999	Total Denied:	710	Total Waived or Cont.:	1513
		Approved Percentile:	58.5%	Denied Percentile:	41.5%		

White/Native American

Total Females:	7	Total Females Approved:	3	Total Females Denied:	2	Total Females Waived or Cont.:	2
Total Males:	34	Total Males Approved:	9	Total Males Denied:	12	Total Male Waived or Cont.:	13
Total Dispositions:	41	Total Approved:	12	Total Denied:	14	Total Waived or Cont.:	15
		Approved Percentile:	46.2%	Denied Percentile:	53.8%		

Report Totals

Total Females:	610	Total Females Approved:	197	Total Females Denied:	87	Total Females Waived or Cont.:	2
Total Males:	3934	Total Males Approved:	1116	Total Males Denied:	924	Total Male Waived or Cont.:	13
Total Dispositions:	4588	Total Approved:	1318	Total Denied:	1013	Total Waived or Cont.:	15
		Approved Percentile:	56.5%	Denied Percentile:	43.5%		

State of Montana - Board of Pardons and Parole

1-2005 to 12-2006

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Annual Review

Race Unlisted

Total Females:	Total Females Approved:	0	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	0	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	0	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	0.0%	Denied Percentile:	100.0%

AmerAsian

Total Females:	Total Females Approved:	0	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	1	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	1	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	100.0%	Denied Percentile:	0.0%

Asian/Oriental

Total Females:	Total Females Approved:	0	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	1	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	1	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	50.0%	Denied Percentile:	50.0%

Black/African American

Total Females:	Total Females Approved:	0	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	1	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	1	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	6.7%	Denied Percentile:	93.3%

Hispanic/Latin American

Total Females:	Total Females Approved:	0	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	2	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	2	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	14.3%	Denied Percentile:	85.7%

Hispanic/Native American

Total Females:	Total Females Approved:	0	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	0	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	0	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	0.0%	Denied Percentile:	100.0%

Native American

Total Females:	Total Females Approved:	7	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	43	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	52	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	30.2%	Denied Percentile:	69.8%

Other

Total Females:	Total Females Approved:	0	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	0	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	0	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	0.0%	Denied Percentile:	100.0%

White/Caucasian

Total Females:	Total Females Approved:	23	Total Females Denied:	Total Females Waived or Cont.:
Total Males:	Total Males Approved:	182	Total Males Denied:	Total Male Waived or Cont.:
Total Dispositions:	Total Approved:	206	Total Denied:	Total Waived or Cont.:
	Approved Percentile:	32.6%	Denied Percentile:	67.4%

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Annual Review

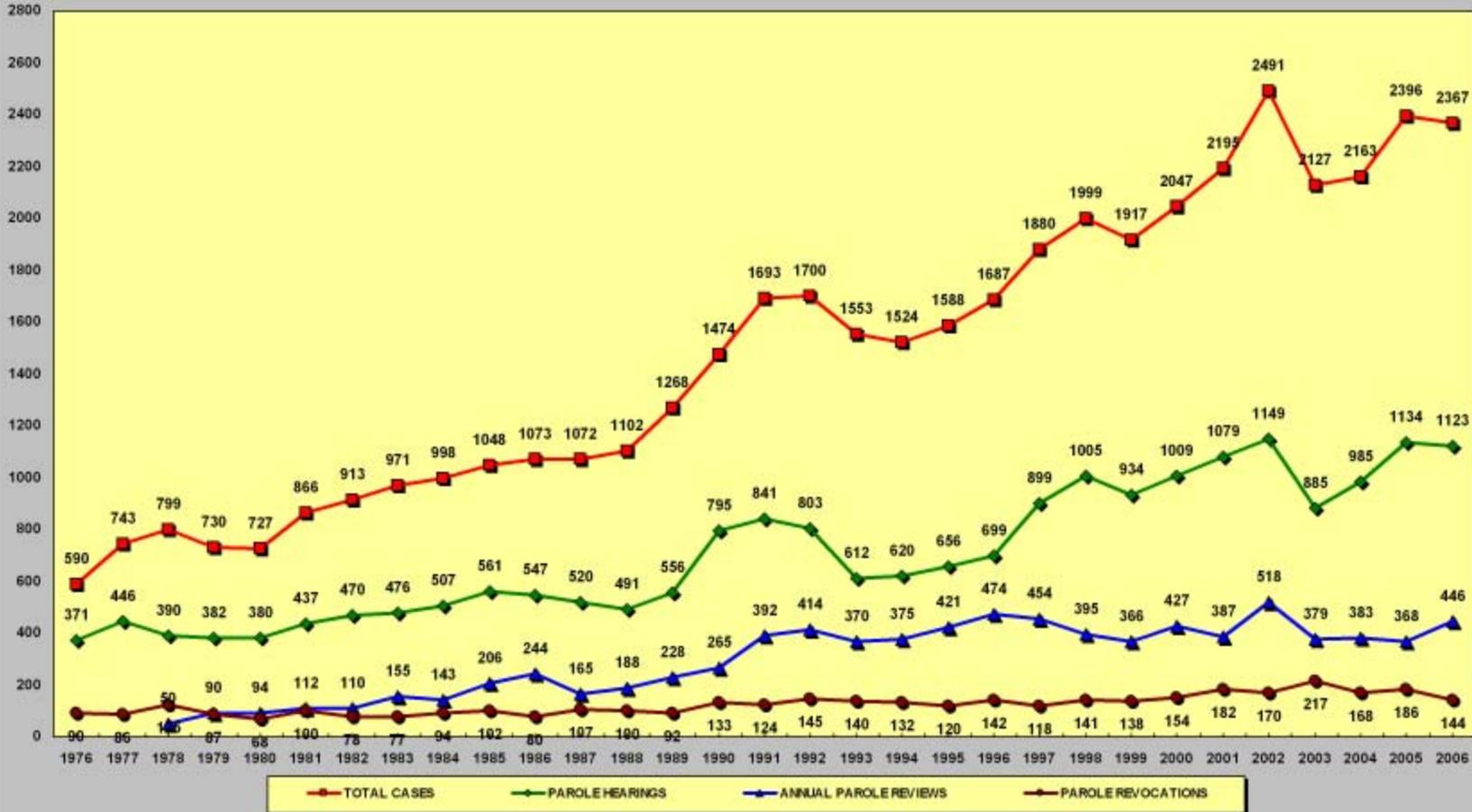
White/Native American

Total Females:	2	Total Females Approved:	2	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	4	Total Males Approved:	1	Total Males Denied:	3	Total Male Waived or Cont.:	0
Total Dispositions:	6	Total Approved:	3	Total Denied:	3	Total Waived or Cont.:	0
		Approved Percentile:	50.0%	Denied Percentile:	50.0%		

Report Totals

Total Females:	73	Total Females Approved:	32	Total Females Denied:	38	Total Females Waived or Cont.:	0
Total Males:	811	Total Males Approved:	231	Total Males Denied:	539	Total Male Waived or Cont.:	0
Total Dispositions:	889	Total Approved:	266	Total Denied:	579	Total Waived or Cont.:	0
		Approved Percentile:	31.5%	Denied Percentile:	68.5%		

**BOARD OF PARDONS AND PAROLE
CASELOAD CALENDAR YEAR 1976 THROUGH 2006**

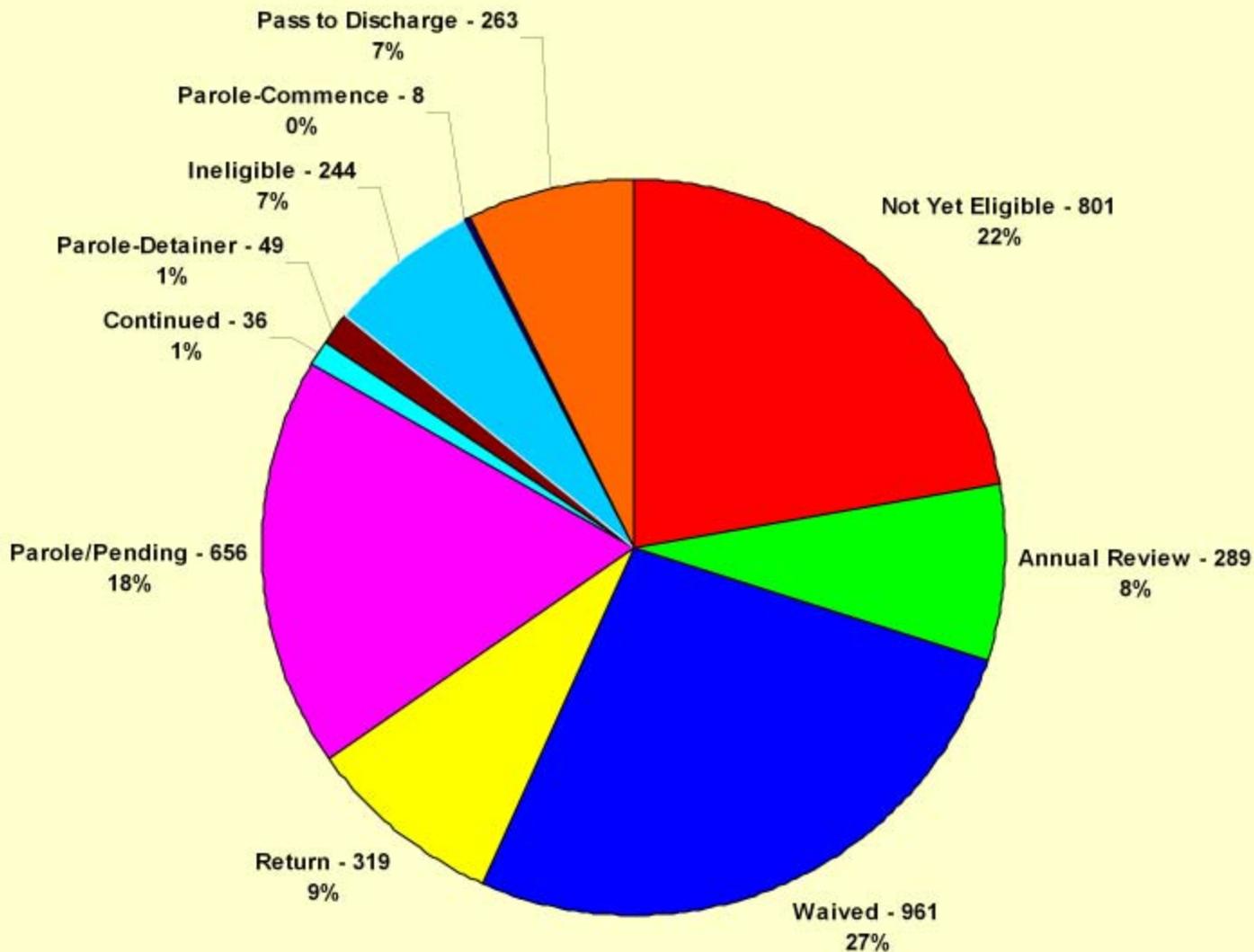


Correctional Population - Parole Eligibility

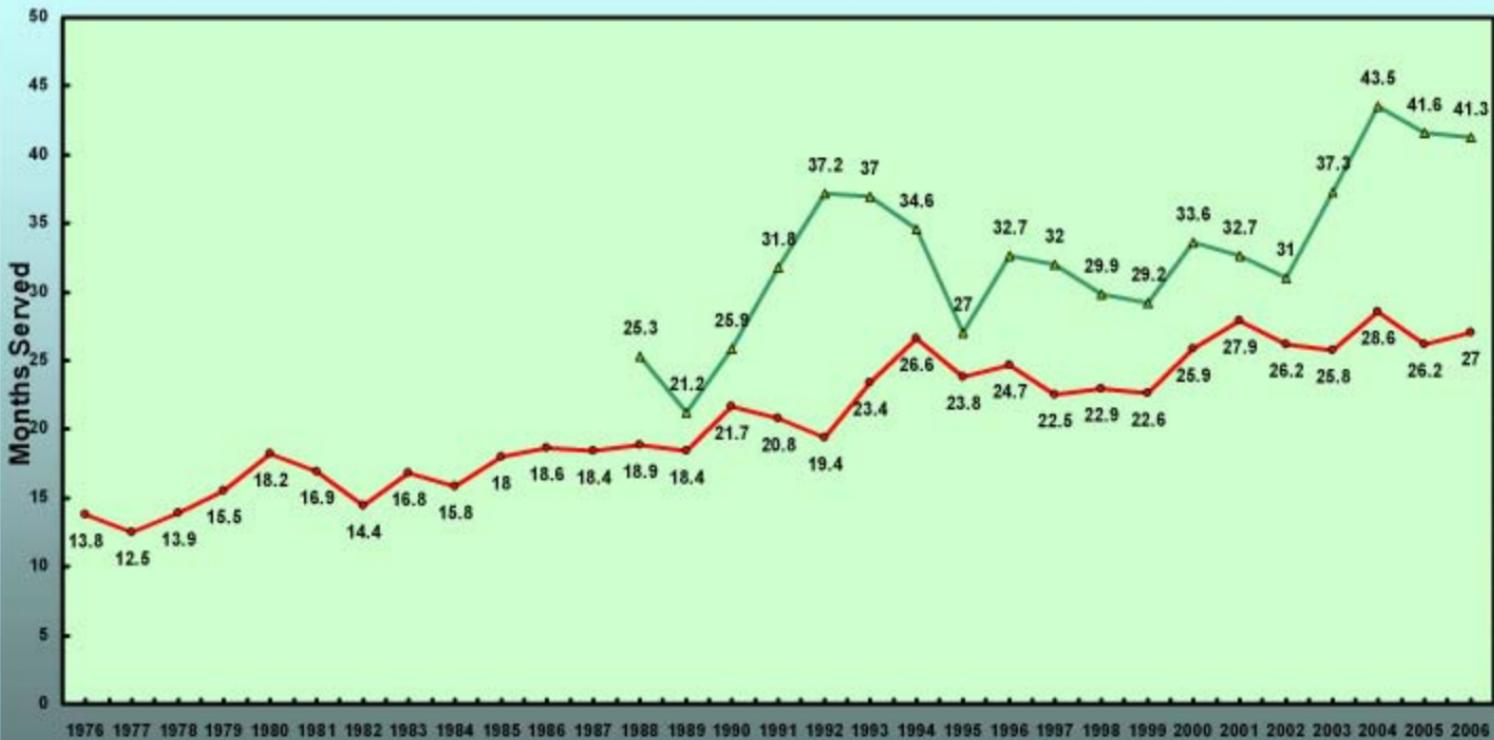
June 30, 2006

Total - 3623

Montana Board of Pardons and Parole
Correctional Population provided by DOC



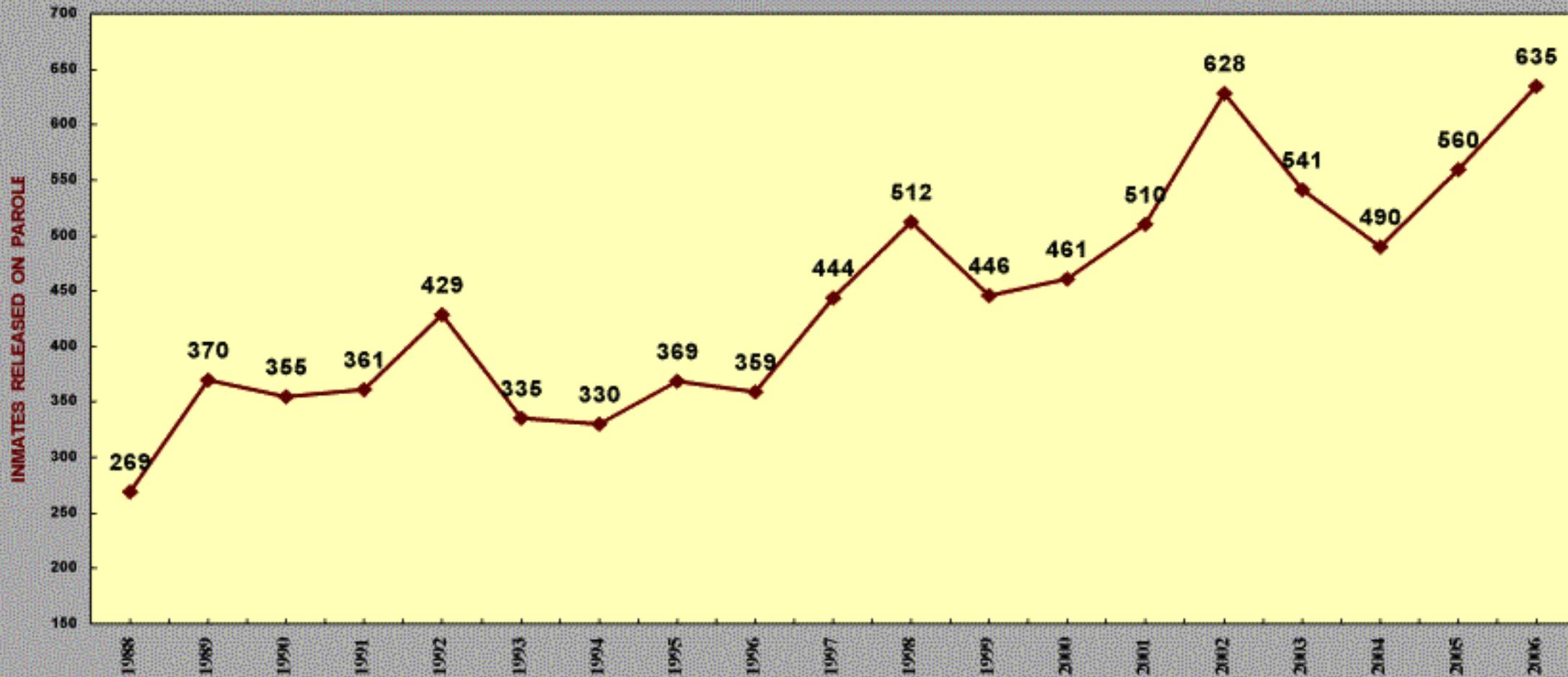
**MONTANA BOARD OF PARDONS AND PAROLE
TIME SERVED CALENDAR YEAR 1976-2006**



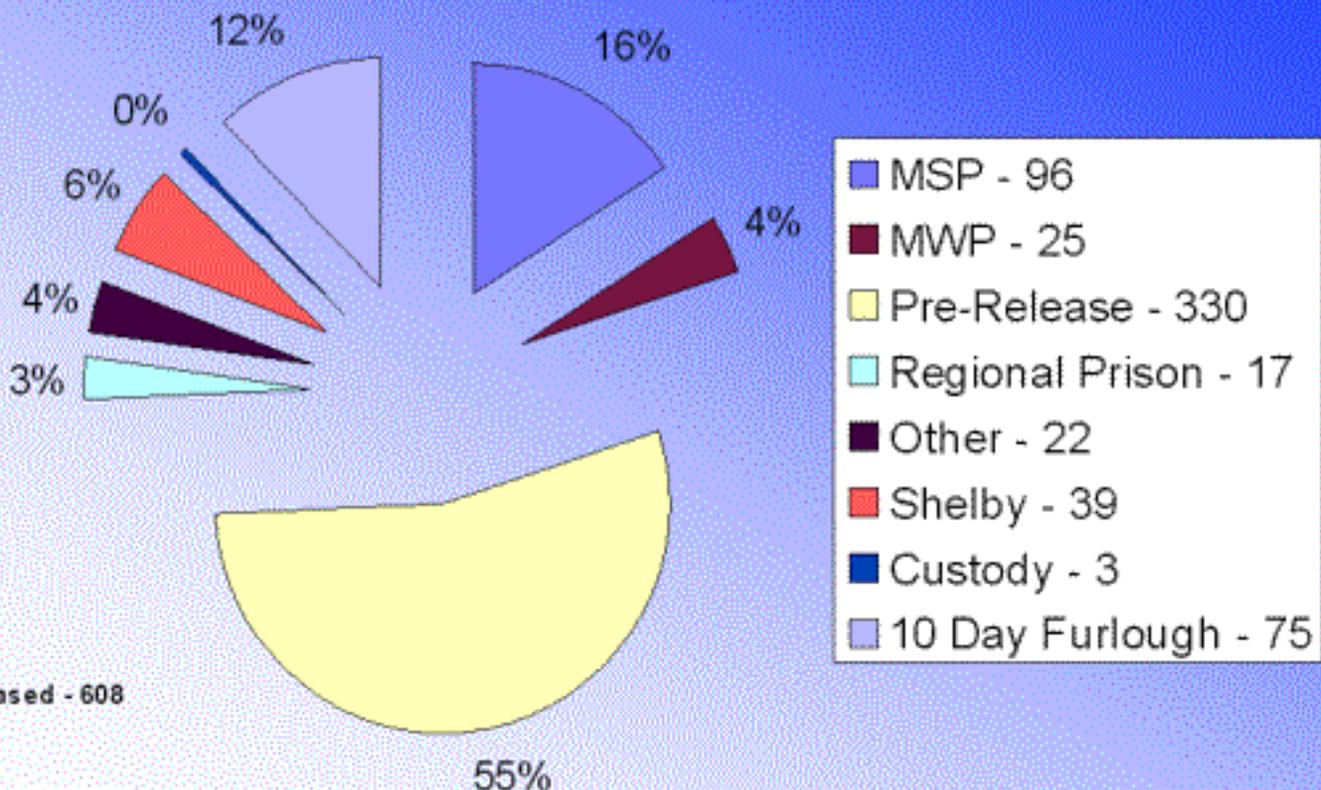
—●— INITIAL PAROLE ELIGIBILITY
—▲— PAROLE GRANT DECISION

PAROLE RELEASES - BOARD OF PARDONS AND PAROLE

Calendar Years 1988 - 2006

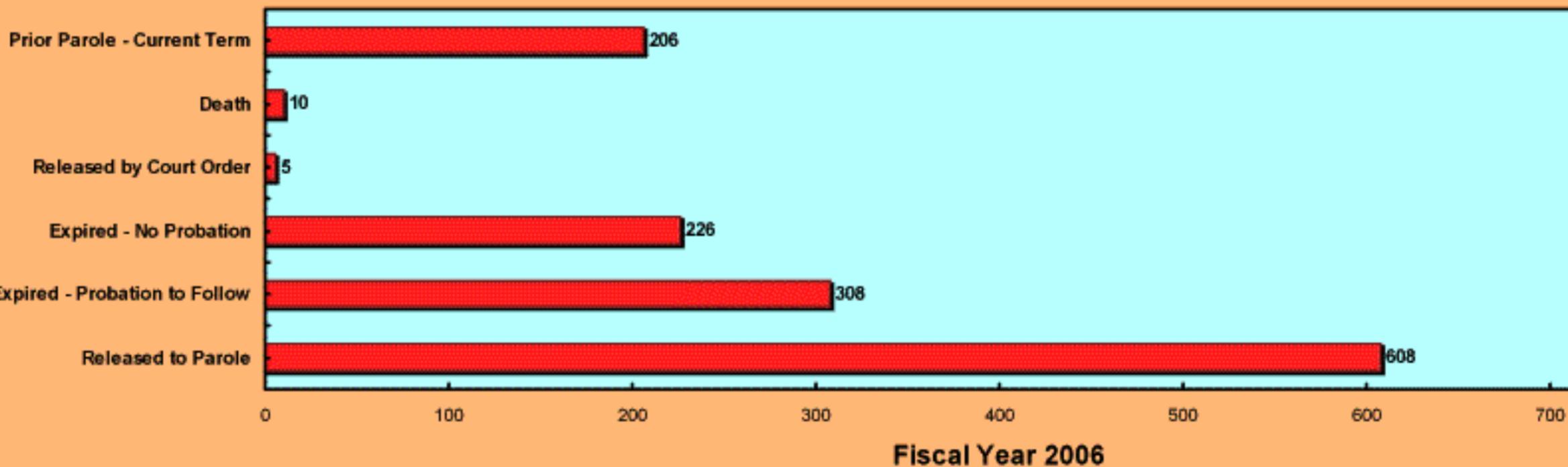


Montana Board of Pardons and Parole
PAROLE RELEASE LOCATIONS
Fiscal Year 2006



Total Released - 608

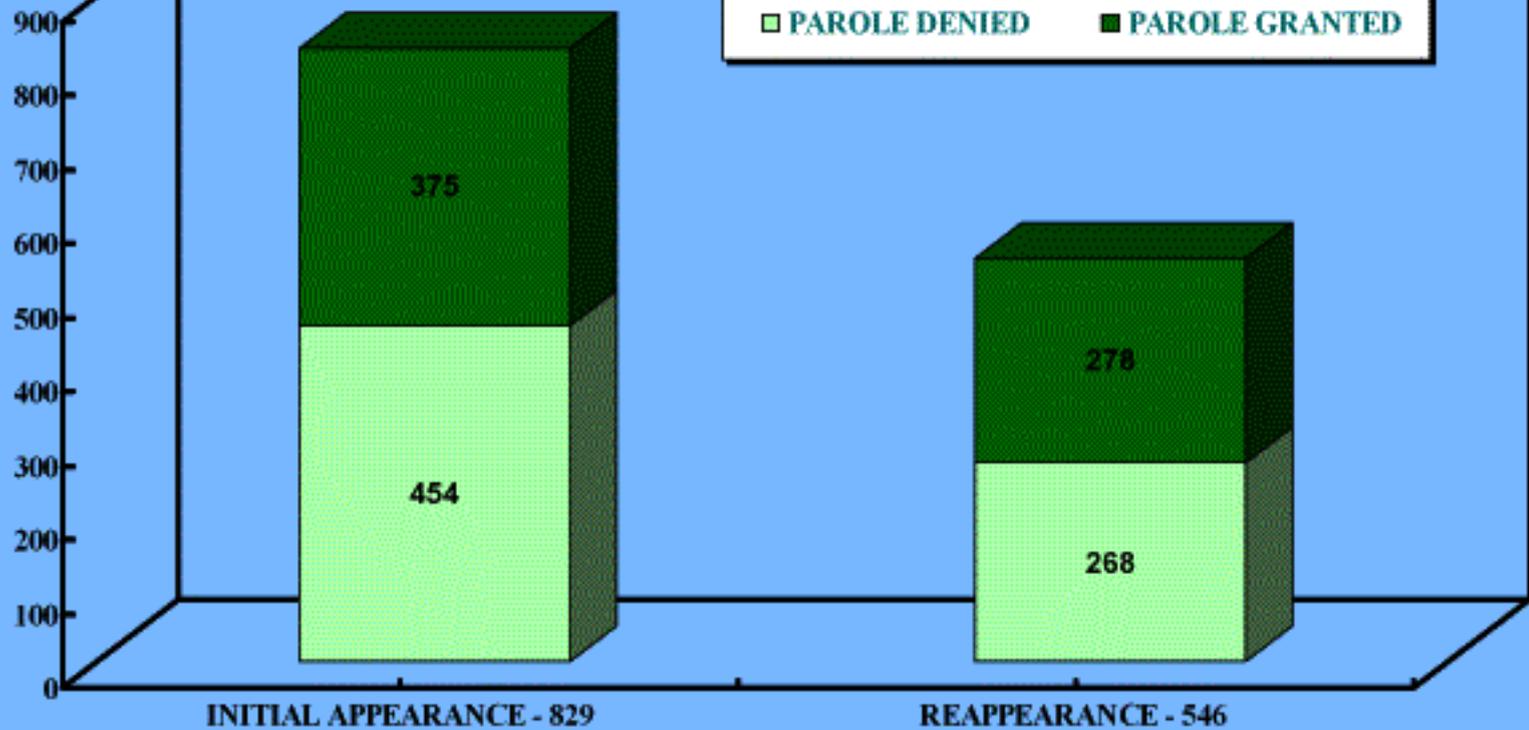
Offenders Released From Secure Custody Montana Board of Pardons and Parole



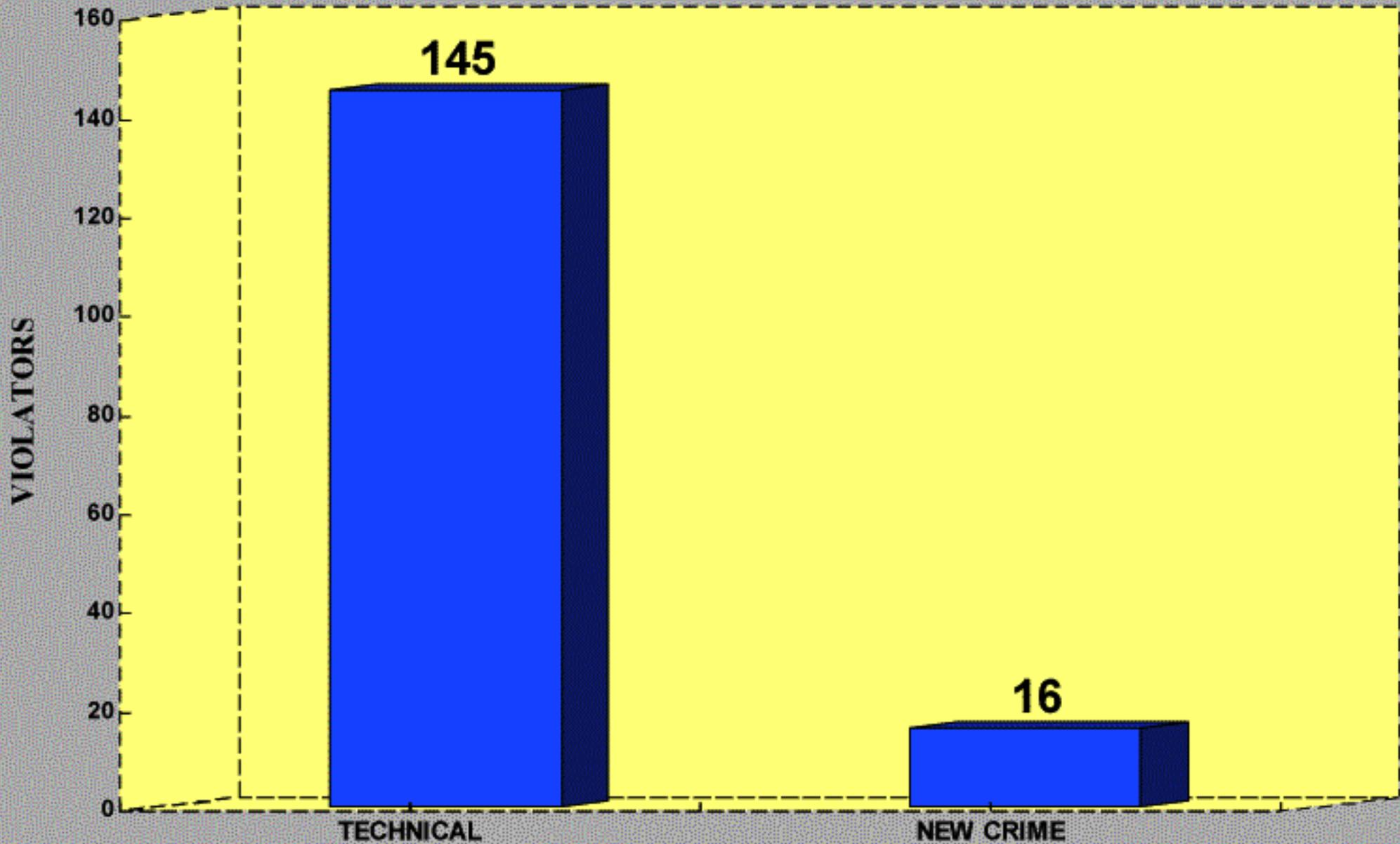
■ Numbers provided by DOC, except parole releases

MONTANA BOARD OF PARDONS AND PAROLE
PAROLE HEARINGS
Fiscal Year 2006

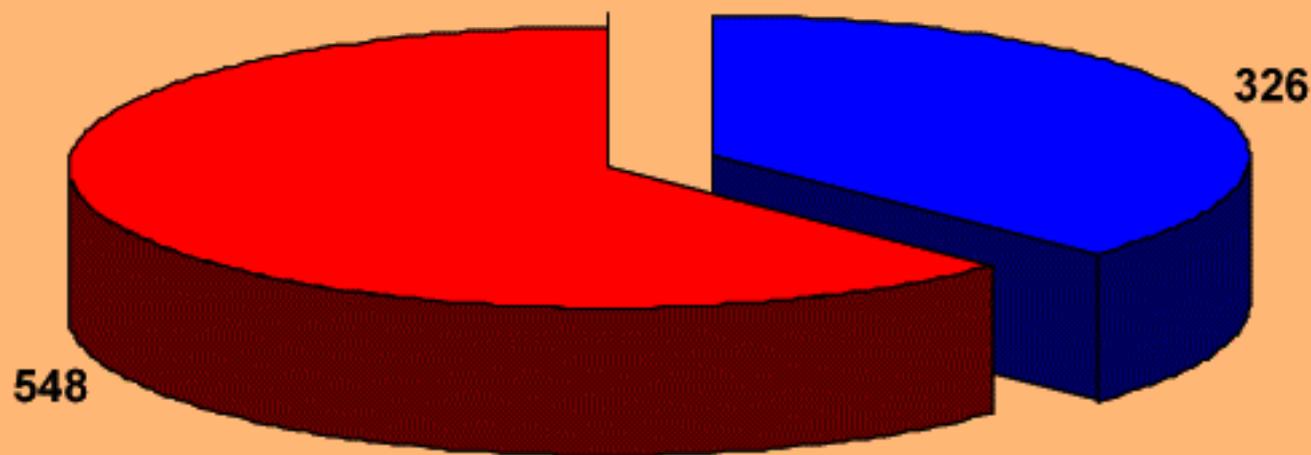
MALE AND FEMALE OFFENDERS



PAROLE VIOLATORS RETURNED TO CUSTODY
Violation Type
Fiscal Year 2006



**MONTANA BOARD OF PARDONS AND PAROLE
GRANTED PAROLE
Calendar year 2006
VIOLENT - NONVIOLENT CONVICTION**



Nonviolent - 63%

Violent - 37%